

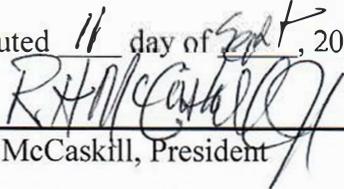
Kissing Camels Property Owners Association

Rule Prohibiting Unauthorized Tailgating

RESOLUTION OF THE KISSING CAMELS PROPERTY OWNERS ASSOCIATION
REGARDING TAILGATING AT UNMANNED GATES

On motion made and seconded, the Executive Board amended the Policy Prohibiting Unauthorized Tailgating to read as shown below.

Executed 16 day of Sept, 2018



Dick McCaskill, President

[The copy of this resolution approved by the Executive Board and signed by the Association's President, Dick McCaskill, is in the files of the Association in the Community Manager's Office]

Policy Prohibiting Unauthorized Tailgating

1. Authority: This Policy is adopted pursuant to the authority granted to the Association by §38-33.3.302(1)(a) of the Colorado Common Interest Ownership Act to adopt rules and regulations and Section 5.2.3 of the Association's Covenants, Conditions and Restrictions ("Master Declaration"). Section 5.2.3 of the Master Declaration provides that "[t]he Association shall have all of the powers, authority and duties necessary and proper to manage the business affairs of the Association and all activities within Kissing Camels Estates, including the power to promulgate and publish Rules with which each Owner and Related User shall strictly comply."

Purpose: The purpose of this Rule is to protect and maintain the security and safety of the residents in Kissing Camels Estates by prohibiting unauthorized tailgating while not impeding the flow of authorized traffic. The drop down gates are programmed to permit a vehicle with a RFID Tag to follow another vehicle with a RFID Tag into Kissing Camels Estates without waiting for the gate to close and open again.

Because KCPOA does not have general police powers, monetary penalties and suspension of RFID Tags are imposed only on Owners. An Owner is responsible for his/her own conduct, the conduct of his/her family members, and his/her guests. An Owner also is responsible for the conduct of a service provider whom the Owner invites to follow him/her into the community. Since KCPOA does not have authority to impose monetary penalties on persons unrelated to Owners, the penalty on such persons will be suspension of his/her privilege to enter Kissing Camels Estates for specified periods of time. Penalties are higher in the event the drop-down bar and/or gate is damaged because rendering the gate unserviceable compromises the security of Kissing Camels Estates. A driver who damages a

drop down bar or any component of the electronically controlled gate will be responsible for the cost of repairs.

2. Definitions: The following definitions apply to this Rule:
 - a. “Tailgating” is the **unauthorized** entry into or exit from Kissing Camels Estates through an electronically controlled gate by a vehicle without a KCPOA RFID Tag following or preceding a vehicle with a KCPOA RFID Tag. A vehicle with a RFID Tag following another vehicle with a RFID Tag into or out of Kissing Camels Estates is not “Tailgating” within the meaning of that term as used in this policy.
 - b. “RFID Tag” means a Radio Frequency Identification device which is used to open electronically controlled Kissing Camels Estates entry and exit gates, for which privileges have not been suspended.
 - c. “Owner” means any person who owns record title to a Unit in Kissing Camels Estates (including Owners of Units within sub-associations created on leasehold property).
 - d. “Unit” means a parcel of real estate within Kissing Camels Estates which is shown upon any recorded plat, or any other parcel of land within Kissing Camels Estates which may be sold or conveyed without violation of provisions of Colorado Law pertaining to the subdivision of land.
 - e. “Related User” means a person who (a) resides with an Owner within Kissing Camels Estates; (b) is a guest or invitee of an Owner; (c) is an occupant or lessee of a Unit; and (d) and any family member guest, invitee or cohabitant of any such person regardless of whether the land is owned or leased, but shall not include (i) the Association Properties; or any Local Common Area; or (iii) Golf Course.
3. Prohibition of Tailgating: Tailgating in Kissing Camels Estates is prohibited.
4. Penalties:
 - a. An Owner or a Related User who tailgates or arranges for another vehicle to tailgate his/her vehicle shall be subject to the following penalties:
 - i. A first offense will result in a fifty dollar (\$50.00) fine;
 - ii. Second and subsequent offenses will result in loss of his/her RFID Tag privileges for consecutive 30-day periods and a one-hundred dollar (\$100) fine per offense.
 - b. An Owner shall be responsible for unpaid monetary penalties imposed on a Related User for a violation specified in ¶4.a above.
 - c. A person other than an Owner or Related User shall be subject to the following penalties for tailgating:
 - i. First offense – denial of entry into Kissing Camels Estates for 10 days.

- ii. Second and subsequent offenses – denial of entry into Kissing Camels Estates for consecutive 30-day periods.

d. If a drop down bar or a swing gate is hit as a result of tailgating: owner will be assessed a \$150 fine, regardless of evident damage.

1. A person subject to the penalties specified in ¶4.a, ¶4.b, or ¶4.c also will be liable to the Association for the total cost of repairing or replacing the drop down bar and/or swing gate including parts and labor;

11. A person subject to the penalties specified in ¶4.a or ¶4.b will be liable to the Association for a fine of one hundred and fifty dollars (\$150.00); and

111. A person subject to the penalties specified in ¶4.c will be denied entry into Kissing Camels Estates for 30 days in addition to the applicable suspension period in ¶4.c.

5. Interpretation and enforcement of this Rule: The Covenant Committee will interpret and apply the provisions of this Rule on behalf of the Association and in accordance with the Covenant Policy.

Effective Date of the Policy: This Policy is effective on the 27th day of Feb, 2018.